

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 1 2003

OFFICE OF
MANAGING DIRECTOR

Michael Grossman
Associate Counsel
VTL, Inc.
c/o Viatel, Inc.
245 Park Avenue, 24th Floor
New York, NY 10167

Re: Request for Waiver/Reduction/
Deferment and Refund of FY 2002
Regulatory Fees
Fee Control No. 0209268835582007

Dear Mr. Grossman:

This is in response to Viatel Holding (Bermuda) Limited's (Viatel Bermuda) request dated September 24, 2002, to waive/reduce/defer and refund the applicable Fiscal Year 2002 (FY 2002) regulatory fee payments associated with its facilities-based and resold international services. Our records show that Viatel Bermuda has paid FY 2002 regulatory fees in the amount of \$124, 992.00.

You state that the payment of the FY 2002 regulatory fees may cause financial hardship to Viatel Bermuda, and that this hardship could result in reduction of service to its customers and/or inability to successfully complete the Chapter 11 bankruptcy reorganization commenced by its predecessors. You provide documentation showing that the predecessors of Viatel Bermuda filed for relief under Chapter 11 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware on May 2, 2001. You also provide documentation showing that on May 21, 2002, the Bankruptcy Court issued an Order providing for a reorganization plan that vested all of the predecessors' property in VTL, Inc., a wholly owned subsidiary of Viatel Bermuda.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship on a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

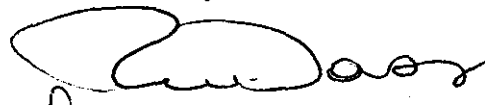
10 FCC Rcd at 12761-12762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, and payments to principals reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

Viatel Bermuda does not provide this information. In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver/reduction/deferment and refund of Viatel Bermuda's regulatory fees is dismissed. In view of your allegations of financial hardship, however, you may refile Viatel Bermuda's request with appropriate supporting documentation.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a large, stylized initial "M" and "R".

for Mark A. Reger
Chief Financial Officer



RECEIVED & INSPECTED

SEP 27 2002

FCC - MAILROOM

Fee # 0209268835582007

VTL, Inc.

c/o Viatel, Inc.

245 Park Avenue, 24th Floor

New York, NY 10167

Phone: (212) 792-4000

Fax: (212) 792-4397

September 24, 2002

VIA OVERNIGHT MAIL

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Attn: Regulatory Fee Waiver/Reduction Request

Re: Viatel Holding (Bermuda) Limited – Regulatory Fee
Waiver/Reduction Request

Dear Sir or Madam:

Viatel Holding (Bermuda) Limited ("Viatel Bermuda") hereby files this Regulatory Fee Waiver/Reduction Request with the Federal Communications Commission. The basis for this request is that the payment of the FY 2002 Regulatory Fees may cause undue financial hardship to Viatel Bermuda that could result in the reduction of service to its customers and/or its inability to successfully complete the Chapter 11 bankruptcy reorganization commenced by its predecessors. Please be advised that pursuant to the Commission's rules, Viatel Bermuda timely paid its FY 2002 Regulatory Fees in the amount of \$124,992. A copy of both the check and the Commission's Form 159 that accompanied the payment are enclosed.

On May 2, 2001, Viatel, Inc. and all of its U.S. subsidiaries (collectively, the "Debtors"), the predecessors of Viatel Bermuda, filed for relief under Chapter 11 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. A copy of the Notice of Commencement of Chapter 11 Bankruptcy Cases is enclosed. On or about May 2, 2001, the Debtors discontinued the provision of all telecommunication and other services in the United States. Since May 2, 2001, the Debtors have had no customers in the United States.

On May 21, 2002, the Bankruptcy Court issued an Order Under 11 U.S.C. §1129(a) and (b) Confirming First Amended Joint Chapter 11 Plan of Reorganization of Viatel, Inc. and Certain of its Subsidiaries (the "Reorganization Plan"). The Reorganization Plan provides for the dissolution of the Debtors and the liquidation of their U.S. operations. The effective date of the Reorganization Plan was June 7, 2002. A copy of the Notice of Effective Date is enclosed. Pursuant to the Reorganization Plan, all of the property of the Debtors and their estates vested in VTL, Inc., a wholly owned subsidiary of Viatel Bermuda.

RECEIVED
FCC
2002 SEP 27 P 4: 21
ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT

RECEIVED SEP 30 2002



FCC
Page 2

September 24, 2002

On August 30, 2002, the Commission granted Viatel Bermuda and its wholly owned subsidiaries special temporary authority to provide both facilities-based and resold international services under Section 214 of the Communications Act, as amended, 47 U.S.C. § 214. Accordingly, pursuant to that grant and the provisions of the Reorganization Plan, Viatel Bermuda and its wholly owned subsidiaries will be enable to assume the remaining business and operations of the Debtors. However, the high Regulatory Fees paid by Viatel Bermuda will make it more difficult for Viatel Bermuda to successfully complete the reorganization and continue the Debtors' remaining business operations.

Viatel Bermuda respectfully requests a waiver, reduction or deferment of its FY 2002 Regulatory Fees. Viatel Bermuda also respectfully requests the right to amend and/or supplement this Regulatory Fee Waiver/Reduction Request, such amendment and/or supplement to be filed promptly.

If you have any questions regarding the foregoing, please contact me at 212-792-4357. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'M.E. Grossman'.

Michael Grossman
Associate Counsel

Enclosures



VTL, Inc.
c/o Viatel, Inc.
245 Park Avenue, 24th Floor
New York, NY 10167
Phone: (212) 792-4000
Fax: (212) 792-4397

September 24, 2002

VIA OVERNIGHT MAIL

Federal Communications Commission Regulatory Fees
c/o Mellon Client Service Center
500 Ross Street, Room 670
Pittsburgh, PA 15262-0001

Attn: FCC Module Supervisor

**Re: Viatel Holding (Bermuda) Limited – Form 159 for FY 2002
Regulatory Fees**

Dear Sir or Madam:

On behalf of Viatel Holding (Bermuda) Limited, I have enclosed Form 159 and a check in the amount of \$124,992 for payment of the FCC's FY 2002 regulatory fees.

Please note that Viatel Holding (Bermuda) Limited has filed a request for a waiver, reduction or deferment of the regulatory fees with the Office of the Managing Director.

If you have any questions regarding the foregoing, please contact me at 212-792-4357.
Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Grossman', written over a horizontal line.

Michael Grossman
Associate Counsel

cc: FCC Office of Managing Director

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No. 1 of 1

(1) LOCKBOX # 358835

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

VTL, INC.

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

\$124,992.00

(4) STREET ADDRESS LINE NO. 1

350 Bedford Street

(5) STREET ADDRESS LINE NO. 2

Suite 406A

(6) CITY

Stamford

(7) STATE

CT

(8) ZIP CODE

06901

(9) DAYTIME TELEPHONE NUMBER (include area code)

011-44-1787-494-248

(10) COUNTRY CODE (if not in U.S.A.)

UK

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0007707649

(12) PAYER (TIN)

13-4196974

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

Viatel Holding (Bermuda) Limited

(14) STREET ADDRESS LINE NO. 1

Inbucon House

(15) STREET ADDRESS LINE NO. 2

Wick Road

(16) CITY

Essex, Surrey

(17) STATE

(18) ZIP CODE

TW20 0HR

(19) DAYTIME TELEPHONE NUMBER (include area code)

011-44-1784-494-248

(20) COUNTRY CODE (if not in U.S.A.)

UK

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0006993083

(22) APPLICANT (TIN)

n/a

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

(24A) PAYMENT TYPE CODE

0276

(25A) QUANTITY

62,496

(26A) FEE DUE FOR (PTC)

\$2.00

(27A) TOTAL FEE

\$124,992.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

Viatel Holding (Bermuda) Limited

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, STEPHEN GRIST,
the best of my knowledge, information and belief.

SIGNATURE

certify under penalty of perjury that the foregoing and supporting information is true and correct to

DATE

9/24/02

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)



MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION
DATE:



VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE

DATE

VTL, INC.
OPERATING ACCOUNT

350 BEDFORD STREET
#406A
STAMFORD, CT 06901

1020

DATE 9-24-02

1-2
210 134

PAY
TO THE
ORDER OF

Federal Communications Commission
One Hundred Twenty Four Thousand Nine Hundred Ninety Two ^{00/100} \$124,992.00
DOLLARS



JPMorgan

JPMorgan Chase Bank
401 Madison Avenue
New York, NY 10017

FOR

12/31/01 - Viatel

[Signature]

⑈001020⑈ ⑆021000021⑆530502267⑈

-----X		
In re:	:	Chapter 11
	:	
VIATEL, INC., <u>et al.</u>	:	Case No. 01-1599 (JJF)
	:	
Debtors.	:	Jointly Administered
-----X		

On May 2, 2001, the above-captioned debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors") filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 through 1330 (the "Bankruptcy Code"). The Debtors and their respective addresses, case numbers and federal tax identification numbers are as follows:

DEBTOR (Other names, if any, used by the Debtor in the last 6 years appear in brackets)	ADDRESS	CASE NO.	LID #
Vitel, Inc.	685 Third Avenue New York, NY 10017	01-1599	13-3787366
Vitel Communications, Inc. (Destia Communications, Inc. and Econophone, Inc.)	685 Third Avenue New York, NY 10017	01-1600	11-3132722
Vitel Argentina Holdings, Inc.	685 Third Avenue New York, NY 10017	01-1601	13-4020320
Vitel Services, Inc. (Econophone Permit, Inc., Econophone Services, Inc. and Destia Communications Services, Inc.)	685 Third Avenue New York, NY 10017	01-1602	13-3993205
Vitel Financing Trust I	685 Third Avenue New York, NY 10017	01-1603	13-4112595
Vitel Development Company	685 Third Avenue New York, NY 10017	01-1604	13-4039781
Voicenet Corporation	685 Third Avenue New York, NY 10017	01-1605	11-3251051
Vitel Finland, Inc.	685 Third Avenue New York, NY 10017	01-1606	13-4021314
Vitel Argentina Management, Inc.	685 Third Avenue New York, NY 10017	01-1607	13-4020324
Vitel Global Communications, Ltd.	685 Third Avenue New York, NY 10017	01-1608	13-4021310
Vitel Brazil Holdings, Inc.	685 Third Avenue New York, NY 10017	01-1609	13-4021315
Vitel Nebraska, Inc.	685 Third Avenue New York, NY 10017	01-1610	13-3949662
Vitel Brazil Management, Inc.	685 Third Avenue New York, NY 10017	01-1611	13-4021317
Vitel New Jersey, Inc.	685 Third Avenue New York, NY 10017	01-1612	13-4021313
Vitel Cable Assets Inc.	685 Third Avenue New York, NY 10017	01-1613	Pending
Vitel Sales U.S.A., Inc.	685 Third Avenue New York, NY 10017	01-1614	22-3483546
Vitel Circe Cable System, Limited	685 Third Avenue New York, NY 10017	01-1615	13-4028929
Vitel Sweden, Inc.	685 Third Avenue New York, NY 10017	01-1616	13-3949664
Vitel Colombia Holdings, Inc.	685 Third Avenue New York, NY 10017	01-1617	13-3949663
Vitel Colombia Management, Inc.	685 Third Avenue New York, NY 10017	01-1618	13-3949665
Vitel Virginia, Inc.	685 Third Avenue New York, NY 10017	01-1619	Pending
Vitel Resco, Inc.	685 Third Avenue New York, NY 10017	01-1620	Pending
YYC Communications, Inc.	685 Third Avenue New York, NY 10017	01-1621	13-3827892
DESTIA.COM, INC.	685 Third Avenue New York, NY 10017	01-1622	22-3652963
Off the Mall Advertising Inc.	685 Third Avenue New York, NY 10017	01-1623	22-3641732

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

----- x
In re : Chapter 11
VIATEL, INC., et al., : Case No. 01-1599 (RSB)
Debtors. : Jointly Administered
----- x

NOTICE OF THE EFFECTIVE DATE OF FIRST AMENDED JOINT
CHAPTER 11 PLAN OF REORGANIZATION OF VIATEL, INC.
AND CERTAIN OF ITS SUBSIDIARIES, DATED APRIL 2, 2002

TO ALL CREDITORS AND OTHER PARTIES-IN-INTEREST OF THE
ABOVE-CAPTIONED DEBTORS:

PLEASE TAKE NOTICE that, on May 21, 2002, the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") entered the Findings Of Fact, Conclusions Of Law, And Order (the "Confirmation Order") Under 11 U.S.C. § 1129(a) And (b) Confirming First Amended Joint Chapter 11 Plan Of Reorganization Of Viatel, Inc. And Certain of its Subsidiaries, Dated April 2, 2002 (the "Plan"), as modified pursuant to the Confirmation Order.

PLEASE TAKE FURTHER NOTICE that, on June 7, 2002, all of the conditions to the Effective Date pursuant to Article X of the Plan occurred or were waived in accordance with the Plan and the Confirmation Order. Accordingly, June 7, 2002 is the Effective Date for the Plan.

Dated: Wilmington, Delaware
June 7, 2002

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Cheri L. Hoff
Four Times Square
New York, New York 10036
(212) 735-3000

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Megan E. Cleghorn
One Rodney Square
Wilmington, Delaware 19899
(302) 651-3000

Counsel to Viatel, Inc., et al.

Payment Transactions Detail Report

Date: 01/15/2003

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0209268835582007	VTL INC 350 BEDFORD STREET SUITE 406A STAMFORD CT 06901	WP00054039	0134196974	19/25/2002 00:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$124,992.00	\$124,992.00	1	0276	62496		VIATEL HOLDING BERMUDA LIMITED			\$124,992.00	1	PMT
Total	1								\$124,992.00		